

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

TONDA FERRANDO and DEX
MARZANO, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

ZYNGA INC., a Delaware corporation,

Defendant.

Case No. 22-cv-214-RSL

**CLASS COUNSEL'S UNOPPOSED
MOTION FOR APPROVAL OF SECOND
DISTRIBUTION PLAN AND [PROPOSED]
ORDER**

Noting Date: August 16, 2023

**UNOPPOSED MOTION FOR APPROVAL
OF SECOND DISTRIBUTION PLAN**

On December 1, 2022, this Court granted final approval to the Class Action Settlement and directed the Parties to “proceed with the Settlement procedures specified under the terms of the Settlement Agreement, including payment and prospective relief.” Dkt. #63 at 2. The Settlement Administrator in this case has since effected the process laid out in the Settlement Agreement for determining Settlement Payments and has paid from the Settlement Fund all Approved Claims. Dkt. #24-1 § 2.1(b)-(e). The Settlement Administrator also conducted outreach to claimants whose electronic deposits were unable to be processed and attempted to correct the problem, pursuant to Section 2.1(g) of the Settlement Agreement.

Despite diligent efforts, some payments were unsuccessful, and some checks remain uncashed. As a result, there is approximately \$204,000 remaining in the Settlement Fund as of the date of this filing (the “Reserve Fund”), representing approximately 1.7% of the Settlement Fund. Class Counsel therefore submits for the Court’s approval the following, unopposed Second Distribution Plan:

1. The Settlement Administrator will promptly make a second distribution to claimants from the Reserve Fund.

2. Specifically, the Settlement Administrator will allocate the Reserve Fund—less the administrative expenses of the second distribution—pro rata to all claimants who previously received Settlement Payments. However, to the extent a second distribution to a claimant would equal less than five dollars (\$5), that second distribution shall not be paid, and instead the amount shall be distributed pro rata to claimants whose second distribution is at least five dollars (\$5).

3. To the extent that any of these additional payments are not cashed/processed by claimants after ninety (90) calendar days, such funds shall be paid to the Legal Foundation of Washington—the *cy pres* recipient named in § 2.1(h) of the Settlement Agreement.

* * *

1 This proposed Second Distribution Plan is fair, equitable, and faithfully effectuates the
2 Settlement Agreement in this case. *See* Dkt. #24-1 § 2.1(h). Consequently, Class Counsel
3 requests—and no Party opposes—that the Court grant this motion and enter the attached
4 Proposed Order.

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6 Respectfully submitted,

7 **CLASS COUNSEL,**

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9 Dated: August 16, 2023

By: /s/ Todd Logan

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[PROPOSED] ORDER

Class Counsel's unopposed motion is GRANTED. The Second Distribution Plan is approved.

IT IS SO ORDERED.

Dated this ____ day of _____, 2023.

ROBERT S. LASNIK

UNITED STATES DISTRICT JUDGE